

REMARKS

Claims 1-18 were pending in the application. By this paper, claims 2, 10, 13, and 17 have been canceled herein without prejudice, new claims 19-27 have been added for consideration, and claims 1, 3-9, 11, 12, 14-16, and 18 have been amended. Thus, claims 1, 2-9, 11, 12, 14-16, and 18-27 are now pending. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Objections

Claims 1-18 have been objected to as to format. The claims have been amended herein to be in element by element indented format where possible. The objection is believed to be overcome.

Claim Rejections - 35 U.S.C. §112

Claims 1-13 and 14-16 have been rejected under 35 U.S.C. §112, second paragraph as indefinite. Claims 1 and 3 have been amended to remove the phrase "in particular." Claim 1 has been amended to correct antecedent basis for the sleeve wall. Claim 3 has also been amended to clarify the language and to remove the multiple occurrences of "its." Claims 7 and 14 have been amended to remove the "e.g." terminology. Certain other claims, though not specifically rejected, have been similarly amended or rewritten to eliminate identical language. The rejections under are believed to be overcome in view of the foregoing amendments and remarks.

Allowable Subject Matter

Claim 4 has not been otherwise rejected over any cited prior art and is believed to be in condition for allowance. If claim 4 is subsequently rejected for the first time over the prior art, the next subsequent action cannot properly be made final.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, and 5-18 have been rejected under 35 U.S.C §102(b) as anticipated by Murken, U.S. Patent No. 4,806,248 (Murken). Claims 2, 10, and 17 have been canceled herein, rendering their rejection moot. Also, claim 6 has been amended to properly depend from independent claim 3, thus rendering its anticipation rejection moot.

Independent claim 1 has been amended herein and independent claim 13 has been canceled and replaced by new claim 19. Claims 1 and 19 each recite, in part, a two-part filter cartridge having a filter element housed within a cartridge housing for a medical or dental treatment device. Claim 19 further recites that the filter cartridge can be exchanged within the instrument, and recites such an instrument itself.

In contrast, Murken discloses a four-part filter configuration (parts 22, 27, 28, and 60). Further, Murken does not disclose a filter for a medical or dental treatment device. Murken only specifically discloses its filter arrangement for longwall mining applications. Murken fails to teach or suggest all of the limitations of claims 1 and 19, and the corresponding dependent claims 5 and 7-18. Thus, these claims are allowable over the art of record.

Claim Rejections - 35 U.S.C. §103

Claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as obvious over Murken in view of Hansen, U.S. Patent No. 5,897,317 (Hansen). Again, claim 2 has been canceled, rendering its obviousness rejection moot. As to independent claim 3, both Murken and Hansen fail to disclose a treatment device having a specific handpiece and plug connection as claimed. Thus, the combination fails to teach or suggest all of the limitations of claim 3. Further, there is no suggestion or motivation to combine the longwall mining sleeve type filter cartridge of Murken with the dental treatment device of Hansen. The action has not cited a motivation or suggestion from the prior art that would suggest to one having ordinary skill in the art to combine the references in the manner alleged. For this additional reason, claim 3 is believed to be allowable over the art of record.

A supplemental IDS is submitted herewith and identifies three previously uncited documents for consideration.

New Claims 19-27

Claim 19 replaces canceled claim 13. New dependent claims 20-27 have been added for consideration. Neither Murken nor Hansen, whether taken alone or in combination, fail to teach or suggest all of the limitations of these new independent claims. Thus, these claims are also in condition for allowance.

CONCLUSION

Claims 1, 3-9, 11, 12, 14-16, 18-27 are in condition for allowance in view of the foregoing amendments and the following remarks. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

A petition for a one-month extension of time and the appropriate fee accompany this paper. A Supplemental IDS and the necessary fee also accompany this paper. No additional fees are believed due at this time. However, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

Respectfully submitted,



Bryan J. Lempia
Reg. No. 39,746
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Dr.
6300 Sears Tower
Chicago, Illinois 60606
(312) 474-6300

November 7, 2003